

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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MANUEL CRUZ,

Plaintiff,

CIVIL ACTION NO.:

vs.

NOTICE OF REMOVAL

TAKI NAKIA WRIGHT, Individually and/or as
servant, agent and/or employee of WRIGHTWAY
TRANSPORTATION and/or TOWNE AIR
FREIGHT, LLC, and WRIGHTWAY
TRANSPORTATION and/or TOWNE AIR
FREIGHT, LLC, Individually

Defendants.
-----X

TO: Robert J. Cardonsky, Esq.
Forman & Cardonsky
701 Westfield Ave.
Elizabeth, NJ 07208

PLEASE TAKE NOTICE, that on this date defendants TAKI NAKIA WRIGHT, WRIGHTWAY TRANSPORTATION and TOWNE AIR FREIGHT, LLC, by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

The defendants TAKI NAKIA WRIGHT, WRIGHTWAY TRANSPORTATION and TOWNE AIR FREIGHT, LLC, by his undersigned counsel, show:

1. Plaintiff MANUEL CRUZ brought a lawsuit against the defendants TAKI NAKIA WRIGHT, WRIGHTWAY TRANSPORTATION and TOWNE AIR FREIGHT, LLC by filing a Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Union County on or about November 23, 2011 as a result of an alleged accident which occurred on or about February 11, 2011. A copy of the Complaint is annexed hereto as Ex A.
2. The Summons and Complaint were not received by defendants TAKI NAKIA WRIGHT or WRIGHTWAY TRANSPORTATION to date.
3. The Summons and Complaint were received by defendant TOWNE AIR FREIGHT, LLC on February 13, 2012.
4. There have been no other proceedings in this action.
5. According to the plaintiff's complaint (Ex. A), the plaintiff purports to be a citizen and

resident of the State of New Jersey , residing in Elizabeth, Union County.

6. Defendants TAKI NAKIA WRIGHT and WRIGHTWAY TRANSPORTATION are citizens and residents of the State of New York, residing in Bronx, County of Bronx.

7. Defendant TOWNE AIR FREIGHT, LLC is citizen and resident of the State of Indiana, residing in South Bend, County of St. Joseph.

8. In the 4th paragraph of the plaintiff's Complaint, plaintiff MANUEL CRUZ was caused to suffer *serious* personal injuries in and about his head, limbs and body; was caused to incur *pain and suffering* and will in the future be caused to incur medical expenses; was caused and will in the future be caused to lose time from his usual pursuits and occupations; and was caused to incur *permanent injuries*. *Please see* Ex. A.

9. Based upon the language set forth in the plaintiff's Complaint, the matter in controversy exceeds \$75,000, exclusive of interest and costs. *Please see* Ex. A.

10. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

11. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

12. This Notice is filed with this Court within 30 days of defendant's receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Union County, 2 Broad Street, Elizabeth, New Jersey 07207-6073, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: March 8, 2012

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants

BY:



LORNE M. REITER, ESQ.

EXHIBIT A

ROBERT J. CARDONSKY, ESQ.
 FORMAN & CARDONSKY, ESQS.
 701 Westfield Avenue
 Elizabeth, New Jersey 07208
 (908) 353-6500
 Attorney for Plaintiff(s), Manuel Cruz

RECEIVED / FILED
 Superior Court of New Jersey
 NOV 23 2011
 CIVIL ASSIGNMENT
 UNION COUNTY

MANUEL CRUZ,

Plaintiff

vs.

**TAKI NAKIA WRIGHT, individually and/or
 as servant, agent and/or employee of
 WRIGHTWAY TRANSPORTATION and/or
 TOWNE AIR FREIGHT, LLC, and
 WRIGHTWAY TRANSPORTATION and/or
 TOWNE AIR FREIGHT, LLC, individually,**

Defendants

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION : UNION COUNTY

DOCKET NO.:

UNN-L-4386-12
 Civil Action

**COMPLAINT AND JURY DEMAND;
 DESIGNATION OF TRIAL ATTORNEY;
 DEMAND FOR ANSWERS TO
 INTERROGATORIES**

Plaintiff, **Manuel Cruz**, residing at 227 John Street, in the City of Elizabeth, County of Union and State of New Jersey, by way of Complaint against the Defendants herein says:

COUNT I

1) On or about February 11, 2011, the Plaintiff, **Manuel Cruz**, was a passenger in a motor vehicle owned by **EAN Holdings, LLC**, and operated by **Maritza A. Ramirez**, which vehicle was stopped at a red traffic signal on Atlantic Street at its intersection with Clifton Street, in the City of Elizabeth, County of Union, and State of New Jersey.

2) At the aforementioned time and place, the Defendant, **Taki Nakia Wright**, was the operator of a motor vehicle, either individually and/or as agent, servant and/or employee of the Defendant, **Wrightway Transportation and/or Towne Air Freight, LLC**, traveling on Clifton Street at its intersection with Atlantic Street, in the City of Elizabeth, County of Union, and State of New Jersey.

3) As a direct and proximate result of the negligent manner in which the Defendant, **Taki Nakia Wright**, either individually and/or as agent, servant and/or employee of the Defendant, **Wrightway Transportation and/or Towne Air Freight, LLC**, operated her vehicle, a collision was caused to occur with the vehicle in which Plaintiff was a passenger, causing Plaintiff, **Manuel Cruz**, to suffer serious personal injuries.

4) As a direct and proximate result of the aforesaid, Plaintiff, Manuel Cruz, was caused to suffer serious injuries in and about his head, limbs and body; he was caused to incur pain and suffering and will in the future be caused to incur pain and suffering; he was caused to incur medical expenses and will in the future be caused to incur medical expenses; he was caused to lose time from his usual pursuits and occupations and will in the future be caused to lose time from his usual pursuits and occupations; he was caused to incur permanent injuries.

WHEREFORE, Plaintiff, Manuel Cruz, demands judgment against the Defendants herein, together with interest and costs of suit.

JURY DEMAND

PLEASE TAKE NOTICE that the Plaintiff hereby demands a Trial by Jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

PURSUANT to Rule 4:25-4, Robert J. Cardonsky, Esq., is hereby designated as trial counsel of the within matter.

FORMAN & CARDONSKY, ESQS.

By:

ROBERT J. CARDONSKY, ESQ.

Dated: November 17, 2011.

DEMAND FOR ANSWERS TO UNIFORM INTERROGATORIES

PLEASE TAKEN NOTICE that pursuant to Rule 4:17-1(b)(ii)(2), Plaintiff hereby demands answers to Uniform Interrogatories Form C and Form C(1) within sixty (60) days of the filing of Defendants' Answer to this Complaint.

FORMAN & CARDONSKY, ESQS.

By:

ROBERT J. CARDONSKY, ESQ.

DATED: November 17, 2011.

CERTIFICATION

Pursuant to the requirements of Rule 4:5-1, I the undersigned, do hereby certify to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy

referred to in the within pleading is not the subject of any other Causes of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated;

1. OTHER ACTIONS PENDING? Yes ___ NO X

A. If YES – Parties to other Pending Actions.

B. In my opinion, the following parties should be joined in the within pending Cause of Action.

2. OTHER ACTIONS CONTEMPLATED? YES ___ NO X

A. If YES – Parties contemplated to be joined, in other Causes of Action.

3. ARBITRATION PROCEEDINGS PENDING? YES ___ NO X

A. If YES – Parties to Arbitration Proceedings.

B. In my opinion, the following parties should be joined in the pending Arbitration Proceedings.

4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED? YES ___ NO X

A. If YES – Parties contemplated to be joined to Arbitration Proceedings.

In the event that during the pendency of the within Cause of Action, I shall become aware of any changes as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

FORMAN & CARDONSKY, ESQS.

By: 
ROBERT J. CARDONSKY, ESQ.

DATED: November 17, 2011.

EXHIBIT B

Attorney(s) ROBERT J. CARDONSKY, ESQ.
 Office Address Forman & Cardonsky, Esqs.
701 Westfield Avenue
 Town, State, Zip Code Elizabeth, NJ 07208
 Telephone Number (908) 353-6500
 Attorney(s) for Plaintiff Manuel Cruz

**Superior Court of
New Jersey**

Union _____ COUNTY _____
 Law _____ DIVISION _____

Manuel Cruz

Docket No: UNN-L-4386-11

 Plaintiff(s)

Vs.

Taki Nakia Wright, et al.

 Defendant(s)

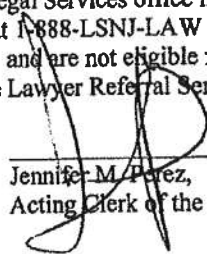
**CIVIL ACTION
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.


 Jennifer M. Perez,
 Acting Clerk of the Superior Court

DATED: 01/03/2012

Name of Defendant to Be Served: Towne Air Freight LLC

Address of Defendant to Be Served: 24805 US 20 West, South Bend, IN 46628

NOTE: The Case Information Statement is available at www.njcourts.com.

Revised 09/01/2010, CN 10792-English (Appendix XII-A)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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MANUEL CRUZ,

Plaintiff,

CIVIL ACTION NO.:

vs.

TAKI NAKIA WRIGHT, Individually and/or as
servant, agent and/or employee of WRIGHTWAY
TRANSPORTATION and/or TOWNE AIR
FREIGHT, LLC, and WRIGHTWAY
TRANSPORTATION and/or TOWNE AIR
FREIGHT, LLC, Individually

CERTIFICATION OF SERVICE

Defendants.
-----X

LORNE M. REITER, ESQ. certifies as follows:

1. I am an attorney duly admitted to practice before this Honorable Court, and I hereby affirm the truth of the following statements under the penalty of perjury.

2. I am a member with the law firm of LAW OFFICES OF LORNE M. REITER, LLC, attorneys for the defendants TAKI NAKIA WRIGHT, WRIGHTWAY TRANSPORTATION and TOWNE AIR FREIGHT, LLC and, as such, I am fully familiar with the facts set forth herein.

3. On this date, I served copies of the within Notice of Removal upon the plaintiff in this action by mailing same via First Class Mail from 740 River Road, Fair Haven, New Jersey 07704 addressed to the plaintiff's attorney, Robert J. Cardonsky, Esq., Forman & Cardonsky, 701 Westfield Ave., Elizabeth, NJ 07208.

4. Further, on this date, I caused a copy of the Notice of Removal to be filed with the Clerk of the Superior Court of New Jersey, Law Division, Union County, 2 Broad Street, Elizabeth, New Jersey 07207-6073.

5. Pursuant to 28 U.S.C. §1746, I affirm under penalty of perjury that the foregoing is true and correct.

Dated: March 8, 2012

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants

BY:



LORNE M. REITER, ESQ.